

REMARKS/ARGUMENTS

Claims 1-21 are pending herein, claims 1 and 12 being independent. No amendment is made herein.

The Examiner rejected claims 1-17 and 19-21 under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,170,060 (Mott, *et al.*), and claim 18 under 35 U.S.C. § 103(a) as obvious over Mott, *et al.*, in view of United States Patent No. 6,170,060 (Ballantyne, *et al.*). The applicant has carefully considered the Examiner's rejections, and the reasons given in support thereof, and respectfully submits that the claims present allowable subject matter in light of the applied references.

The invention is directed to a method (claim 1) and system (claim 12) for distributing digital information by registering a digital object (*e.g.*, a song, movie or an audio book) which contains the digital information and an access device for receiving the digital object. A request that access to the digital object be granted to the access device is generated, and then the digital object is transmitted to the access device for use on the access device. The access device is then registered as having been granted access to the digital object, and further transmission of the digital object to any other access device is denied.

The inventive method and system are therefore useful in enabling a content provider to control the use of disseminated digital information by a subscriber, and limit the simultaneous use of disseminated digital information to a single access device from among a plurality of access devices. The subscriber may use the distributed information (*e.g.*, music) on any one of a plurality of access devices (*e.g.*, personal music player, home audio system or car audio system), or even "lend" the distributed information to another person, while preventing the unauthorized duplication or dissemination of the digital information (claims 2 and 13). In this fashion, the distributor of the

digital information may control the use of the distributed digital information while permitting the subscriber to use the information on different access devices.

According to the method of claim 5 and system of claim 14, each access device may be identified with a unique identifier, contained in a physical object (e.g., a magnetic memory, a bar code, an optical memory or an RF tag -- claims 6 and 15). That physical object may be read to access the unique identifying code and access may be granted to the access device based on that code (claims 9 and 16). Access may even be granted to a non-registered access device by transferring the physical object to be read by that non-registered access device (claims 10 and 17), and then disabling access to the digital information to all registered access devices. This transfer may be managed by a controller and a manager for limiting access to the digital information in accordance with accepted protocols (claim 18).

The inventive method and system permit a content provider to prevent unauthorized duplication or use of a digital object to more than one authorized access device at a time. This feature of the invention is totally lacking from the references applied by the Examiner.

Mott, *et al.* teach a method and system for targeting a digital information playback device. Mott, *et al.* teach the distribution of digital information to subscribers to specific targeted devices, but do not teach the management of the digital information once distributed. Unlike the present invention, which is concerned with what happens to the digital information once it is disseminated, Mott, *et al.* are concerned with the process of disseminating the digital information in the first place. Once that process is managed, Mott, *et al.* are not concerned with management of the use of that information by the end user. Mott, *et al.*, even describe their invention as being directed to "targeting a digital information playback device" (*see, e.g.,* col. 2, lines 10-11), and "for the secure transfer of digital information library programs (*see, e.g.,* col. 2, lines 63-65).

Mott, *et al.* even teach that "multiple mobile playback devices 212 can read a single file 220 stored on the client computer system 214" (col. 13, lines 57-59) but *fail to teach* that use of file 220 by one device precludes use thereof by any other playback device, as is claimed herein. In the Final Office Action (pp. 2-3), the Examiner took the position that "if the client system is not registered with the library server, and if the download content does not contains the required unique code designed for specific registered playback device, the playback device can not access the digital information. If the digital content is targeted to specific device with specific 'unique' code, it would inherently limiting other device from accessing the content" (emphasis supplied).

However, this does not fairly meet the claim limitation.

In the first instance, Mott, *et al.* do not actually teach this feature. The Examiner's analysis is predicated upon a series of hypothetical conditions that Mott, *et al.* do not address, and then the Examiner proposes a hypothetical response to those hypothetical conditions which Mott, *et al.* do not themselves teach.

Second, the Examiner's analysis is further inapposite since Mott, *et al.*'s denial of access to any file 220 by a mobile playback device 212 is conditioned *only* on the authenticity of that device 212 as an authorized user of the system (col. 12, lines 19-23), and *not* on whether any specific file 220 is already in use. In fact, it would be antithetical to Mott, *et al.*'s goal of providing access to the desired information to authorized users to do so, and Mott, *et al.* do *not* teach or suggest any way to accomplish such a goal, or any reason or desire to do so.

Thus, with this difference in focus, Mott, *et al.*, fail to teach or suggest the claimed method steps of "registering said digital object as being in use by said access device" or "denying further transmission of said digital object to any other access device while said digital object is in use by said access device" (claim 1), or the claimed system limitation of "a controller for registering said

digital object as being in use by said access device" and/or a "manager for denying further transmission of said digital object to any other access device while said digital object is in use by said access device" (claim 12).

Thus, the two independent claims being distinct from the only reference applied against them, all claims are allowable.

The dependent claims offer further bases for distinguishing the invention as claimed from the teachings of Mott, *et al.* Mott, *et al.* do not teach that access to the digital information may be granted to no more than one of a plurality of access devices at a time (claims 2 and 13). This would be unnecessary, as Mott, *et al.* are not concerned with managing the use of the digital information after it is distributed, as stated.

The method and apparatus as claimed in claims 5 and 14 specify that each digital *object* has a unique identifying code, while Mott, *et al.*, teach the use of "device IDs" or "group IDs" (col. 2, lines 9-19) to identify the playback devices 212, *not* the distributed files 220. Thus, these IDs do not identify the digital *file* since the device ID or the group ID may be given to more than one access device, and more than one ID may be given to a single playback device 212 (col. 18, lines 25-27).

Mott, *et al.* do not teach disabling access to any authorized user when the digital information is in use by a non-listed (but permitted) user (claims 10 and 17).

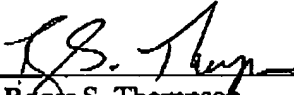
For all these reasons, therefore, the invention as claimed in claims 1-17 and 19-21 are neither taught nor suggested by Mott, *et al.* as applied by the Examiner. Withdrawal of this rejection is therefore respectfully solicited.

The addition of the Ballantyne, *et al.*, patent overcomes none of the shortcomings of the Mott, *et al.*, patent. Ballantyne, *et al.* teach method and apparatus for permitting only a single use of digital information (*e.g.*, a movie) by a recipient (col. 5, lines 32-35), and do not teach the features

of the invention as described above. Thus, the invention as claimed is patentably distinct from Mott, *et al.*, in view of Ballantyne, *et al.*, as applied by the Examiner.

There being no further grounds for objection or rejection, it is respectfully submitted that the invention as claimed by the applicant herein is patentably distinct from the references applied by the examiner, either alone or in combination, and early and favorable action is therefore respectfully solicited.

Respectfully submitted,
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